IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1363 of 1993

DIRECTOR,CENTRAL STATE FARM,JETSAR
V/S
RAM AGYA & ANR

Mr. NM LODHA, Mr.ANIL BHANDARI, for the petitioner

Mr. JK MISHRA, for the respondent

Date of Order : 25.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

This writ petition has been filed seeking to challenge the award dated 1.8.1992 passed by the authority, under Payment of Wages Act, impleaded as respondent No.2.

A look at the impugned award dated 1.8.1992 (Annex.2) shows, that application was filed before the authority under Section 15(2) of the Payment of Wages Act, hereafter referred to as the 'Act', raising grievance against the illegal deduction of wages, and praying for issuance of direction under Section 15(3). The authority by the impugned award adjudicated the claim, and passed the award, awarding the illegal deducted wages, and imposing only one time penalty.

A look at Section 17 of the Act shows, that such

award is appelable, within 30 days, before the District Court. Admittedly, no appeal has been filed, and the only ground given for not filing appeal, is contained in para-16 of the writ petition. In my view, this hardly constitutes any ground to bye-pass the statutory remedy of appeal available against the impugned award.

In view of the availability of statutory alternative remedy of appeal, and having not availed it, I am not inclined to invoke my 226 jurisdiction in favour of the petitioner.

The writ petition is, therefore, dismissed. It is made clear, that this dismissal of the writ petition will not come in the way of the petitioner, in availing the remedy of appeal, if now otherwise available to him under law.

(N P GUPTA),J.

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